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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,307	11/10/2003	Lynne McIntyre	MCI-10002/29	4439

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EXAMINER
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MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/705,307	MCINTYRE, LYNNE
	Examiner Tri M. Mai	Art Unit 3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) 4-11 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3 and 12-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____.  | 6) <input type="checkbox"/> Other: _____.                         |

1. Claims 4-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth. Applicant asserts that that independent claim already set forth three different modules. It is noted that claim 16 recites "one or more" which broadly set forth only one of the modules and not three different modules as asserted.

2. Claims 1, 3, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cozerns (485612) in view of anyone of Chrisholm (6000509) or Smith (5803470), and further in view of Tisbo et al. (4531645). Cozerns teaches a trunk with shelves, a closable door and a plurality of pockets. Cozerns meets all claimed limitations except for the fasteners and the removable modular inserts on the door. Anyone of Chrisholm or Smith and Allen teaches that it is known in the art to provide fasteners and the removable modular inserts on the door portion of a luggage. It would have been obvious to one of ordinary skill in the art to provide fasteners to enable the pockets to be removable and/or to provide the modular inserts as taught by anyone Chrisholm or Smith and Allen to enable one to organize the contents easily. Note that Fig. 2 shows the door has a depth as claimed.

With respect to the lower tracks and the drawer, Tisbo teaches that it is known in the art to provide lower tracks on the shelf (fig. 2) for accommodating additional drawers 206. It would have been obvious to one of ordinary skill in the art to provide lower track on the shelves to enable one to accommodate additional drawers for storing additional contents.

Regarding claim 3, note the plurality of pouches in the modular insert of Chrisholm.

3. Claims 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Cozerns rejection as set forth in paragraph 1, and further in view of Penada (4890705). It would

have been obvious to one of ordinary skill in the art to provide the wheels and handle to transport the case easily.

4. Claims 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Cozerns rejection as set forth in paragraphs 1 and 3, and further in view of Riley. It would have been obvious to one of ordinary skill in the art to provide a bag that can be rolled and fitted onto one of the shelves to enable one to store more contents.

5. Claims 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cozerns rejection as set forth in paragraphs 1 and 3, in view of either Milionta et al. (6715594) or Tong (6334519). It would have been obvious to one of ordinary skill in the art to provide the modular inserts with tabs as taught by Milionta, note tabs 72, 74, or Tong, note tabs 21 in Fig. 5, to enable one to connect/disconnect the inserts easily. It would have been obvious to one of ordinary skill in the art to provide the modular insert with side tabs to enable one to exchange the inserts easily.

6. Applicant's arguments have been fully considered but they are not persuasive. Applicant asserts that there is no ground to provide the drawers in Tisbo in Cozerns. The examiner disagrees, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to the motivation behind the combination, the examiners submits that to provide a storage device in Tisbo in substitute of the hanging device (the hook on the bottom of the shelves) would have been obvious since both device are directed to storing additional

contents on the bottom of the shelves. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, to provide one type of storing device with another storing device in the bottom of a shelve would have been obvious.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai  
Primary Examiner  
Art Unit 3781